

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Aug 15, 2023**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Allen West Frantz

Case Number: 0980 2:22CR00079-TOR-1

Address of Offender: [REDACTED], Spokane, Washington 99207

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: July 9, 2019

Original Offense: Possession with Intent to Distribute Methamphetamine, 21 U.S.C. § 841(a)(1) and (b)(1)(C)

Original Sentence: Prison - 36 months
TSR - 36 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison - 60 days
(September 28, 2022) TSR - 34 months

Asst. U.S. Attorney: Alison L. Gregoire

Date Supervision Commenced: October 22, 2022

Defense Attorney: David R. Partovi

Date Supervision Expires: August 21, 2025

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 12/15/2022, 1/5/2023 and 2/10/2023.

On October 25, 2022, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Frantz, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition #6: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On August 7, 2023, Allen Frantz allegedly violated special condition number 6 by failing to report for phase urinalysis testing when his assigned color was identified for testing.

On August 8, 2023, this officer received notification from Pioneer Human Services (PHS) that the offender failed to report for phase urinalysis testing on August 7, 2023, when his assigned color was identified for testing.

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In an attempt to excuse the missed urinalysis test, the undersigned attempted to contact Mr. Frantz on August 8, 2023, to have him report to the U.S. Probation Office for random urinalysis testing; he did not answer or respond.

10 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: On August 8, 2023, Allen Frantz allegedly violated standard condition number 2 by failing to report as instructed.

On the morning of August 8, 2023, the undersigned attempted to contact Mr. Frantz to have him report to the U.S. Probation Office for random urinalysis testing, but he did not answer or respond.

Approximately 2 ½ hours later on that same date, this officer again attempted to contact the offender, but was unsuccessful. As such, he was sent both voice and text messages instructing him to report to the U.S. Probation Office by 3 p.m. that date for random urinalysis testing.

On August 8, 2023, Mr. Frantz did not report as instructed.

On August 9, 2023, at approximately 9:33 a.m., the undersigned contacted the offender. He claimed he had been at Manito Park with his girlfriend the day prior, and did not see this officer's missed call or text message until after 6 p.m. When asked why he did not try to contact this officer when he finally noticed the attempts to contact him, or why he did not immediately report to the U.S. Probation Office that morning, the offender claimed he "made a mistake."

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/14/2023

s/Amber M.K. Andrade

Amber M.K. Andrade

U.S. Probation Officer

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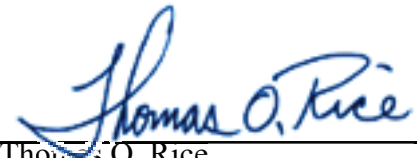
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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☒ Other - *All pending violations will be addressed at Final Revocation of Supervised Release Hearing set for 8/16/2023.*



Thomas O. Rice
United States District Judge

August 15, 2023

Date